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Delivered By Applicant

October 18, 2024

City of Encinitas

Re: Density Bonus Report for 501 Ocean Bluff Way

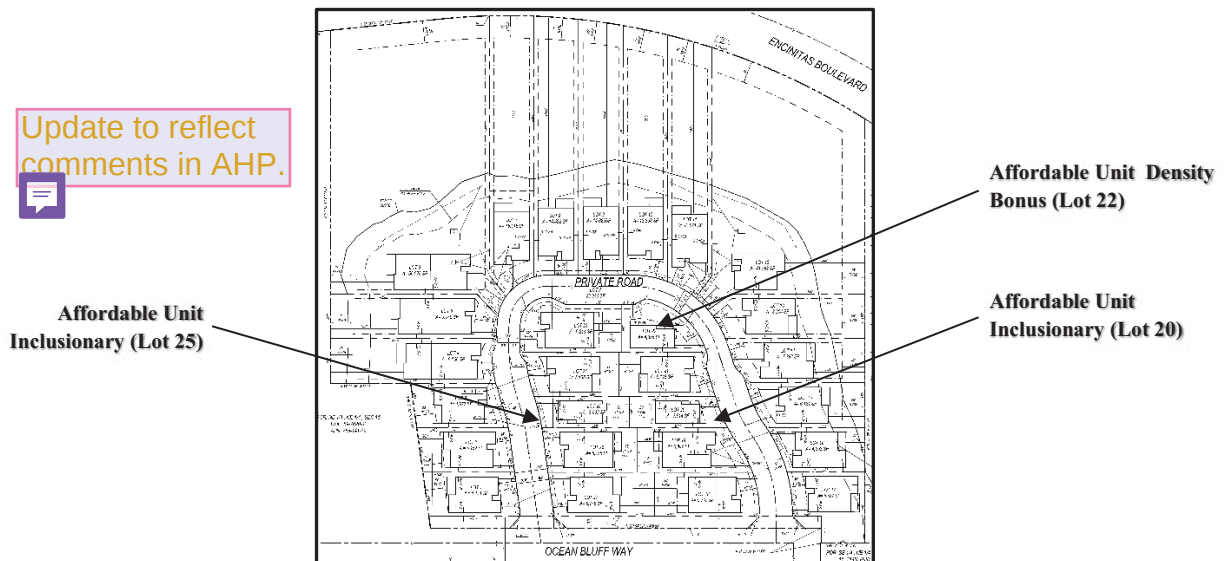
To Whom It May Concern:

This Density Bonus Report has been prepared on behalf of 501 Ocean Bluff, LLC (“Applicant”) to support Applicant’s density bonus application for development of 27 new single-family residences (the “Project”) located on four existing parcels addressed as 501 Ocean Bluff Way in the City of Encinitas (“City”).

I. DENSITY BONUS REPORT REQUIREMENTS

A. Project Location

The Project site consists of four existing parcels located at 501 Ocean Bluff Way. The parcels feature assessor parcel numbers 258-141-23, 258-141-24, 258-141-25, and 258-141-26. The site is south of Encinitas Boulevard and north of Ocean Bluff Way.



B. Project Description

The Project proposes a Tentative Map, Design Review Permit, and Coastal Development Permit for a density bonus application to develop 27 new for sale single-family residences on separate lots, including 24 market-rate units and 3 affordable units, as well as a private road, and associated utility, drainage, and stormwater improvements.

C. Property Description / Characteristics

The site is approximately 7.188 gross acres. The site currently consists of four separate parcels. Three parcels, corresponding to assessor parcel numbers 258-141-23, 258-141-24, and 258-141-25, are designated Residential 2.01 – 3.00 du/ac by the General Plan and zoned Residential 3 (R-3). The remaining parcel, corresponding to assessor parcel number 258-141-26, is designated Rural Residential 1.01 – 2.00 du/ac by the General Plan and zoned Rural Residential 2 (RR-2). Approximately 3.444 acres are zoned R-3, and 3.744 acres are zoned RR-2.

The Project site is currently vacant. Further, although the site is approximately 7.2 gross acres, only 4.5 acres of the Project Site will be subject to disturbance and construction activity. The site is bounded to the north by Encinitas Boulevard, to the west by vacant land and a single-family residence, to the south by single-family residences, and to the east by a self-storage facility.

D. Density Information

The R-3 portion of the Project site features 3.444 gross acres and qualifies for a base density of 3 dwelling units per acre. The RR-2 portion of the Project site features 3.744 acres and qualifies for a base density of 2 dwelling units per acre. In total, the Project site qualifies for a base density of $3.444 \text{ gross acres} \times 3.0 \text{ du/ac} + 3.744 \text{ gross acres} \times 2.0 \text{ du/ac} = 17.8$ base dwelling units, rounded up to 18 dwelling units pursuant to Government Code Section 65915(f)(5).

E. Density Summary

Pursuant to Density Bonus Law, specifically Government Code section 65915(f)(2), the Project proposes to reserve 17% of base units for sale to very low income households whose incomes do not exceed 50% of the area median income for a 50% density bonus for a total yield of 24 market rate and 3 very low income units. Pursuant to Section 65915(d)(2)(C), the Project will qualify for three incentives or concessions for reserving at least 15% of base units as affordable to very low income households.

The R-3 portion of the Project site, with an authorized base density of three dwelling units per acre, features 3.444 gross acres. The R-22 portion of the site, with an authorized base density of two dwelling units per acre, features 3.744 acres.

Below is more detail regarding the density bonus calculations:

Gross Acreage:	7.188 acres
Gross Acreage (RR-2):	3.744 acres
Gross Acreage (R-3):	3.444 acres
Base Density:	3.444 gross acres * 3.0 du/ac + 3.744 gross acres * 2.0 du/ac = 17.8 base dwelling units (before rounding)
Base Density following Rounding per the Density Bonus Law (Gov. Code § 65915(f)(5):	18 base dwelling units
Percentage of base units reserved for affordable housing:	3 affordable units / 18 base dwelling units = 17%
50% density bonus for reserving more than 15% of base units for sale to very low income households:	18 * 50% = 9 bonus units
Proposed market rate units:	18 base units – 3 affordable units + 9 bonus units = 24 market rate units
Proposed affordable units:	3 very low income (50% AMI) affordable units
Total proposed units:	27 dwelling units, for a total density of 3.76 dwelling units per acre

F. Tentative Map

The Project proposes a Tentative Map to subdivide the existing four parcels into 27 separate lots, each including one housing unit. Please review **Exhibit A**, the Proposed Lot Layout, for a summary of how the parcels will be subdivided.

G. Rental Dwelling Unit Information

Not applicable. The parcel is presently vacant. No residential dwelling units exist on the Project site today, nor have any residential dwelling units existed in the last five years.

H. Restricted Affordable Rent Information

Not applicable. The parcel is presently vacant. No residential dwelling units exist on the Project site today, nor have any residential dwelling units existed in the last five years.

I. Land Donation Information

Not applicable. No land donations are requested or needed for the proposed development.

J. Requested Incentives and Concessions

Pursuant to Government Code section 65915(d)(2)(C), the Project will qualify for three incentives or concessions for reserving at least 15% percent of base units as affordable to very low income households. Pursuant to EMC Section 30.41.060(B)(1), an on-site affordable development incentive is requested to utilize the state density bonus. Applicant reserves the right to utilize additional incentives for the Project at a later date based on its provision of affordable housing.

K. Requested Waivers or Development Standard Reductions

Government Code section 65915(e)(1) authorizes Density Bonus Law-compliant projects to request waivers to seek relief from development standards that would otherwise have the effect of physically precluding construction of the development as designed, at its authorized density, and including all authorized incentives. A city can only deny a Density Bonus Law waiver if it can make specified findings.

The Project proposes to waive development standards contained in Encinitas Municipal Code sections 30.08.030 and 30.16.010. The specific waivers requested for each of the 27 resulting lots are identified in the Proposed Lot Layout and itemized in the table reproduced below. All waiver requests are necessary to physically accommodate the project as proposed and relate to lot configuration and layout due to the development of additional units on the site pursuant to density bonus, as well as regulations governing uncertain zone boundaries. The Project requests waivers of the following development standards for one or more resulting lots: net lot area, lot width, lot depth, front yard setback, street side setback, side yard setback, rear yard setback, building height, maximum lot coverage, intersection spacing requirements provided by Section 6.1(c) of the City's public road standards requiring 200' of separation between intersections, internal street radius requirement provided via County Standard Drawing DS-15, affordable unit rear yard adjacency standards per EMC Section 30.41.060(A)(5)(c), waiver of EMC Section 30.34.020(B) for minimum top of bluff setback, and split zone regulations pursuant to EMC Section 30.08.030 governing the determination of zone boundaries where boundaries are uncertain.

The Density Bonus Law obligates the City to grant waivers of any development standard that "will have the effect of physically precluding the construction" of the Project. (Gov. Code

§ 65915(e)(1).) As explained above, the Project is entitled to a total density of 27 dwelling units, as well as a Tentative Map to locate each dwelling unit on a separate lot. The Proposed Lot Layout shows the lot and building location. Given the existing slope along Encinitas Boulevard, the Project has been designed to avoid any development activity within steep slopes and efficiently cluster the lots and dwellings on approximately 4.5 acres. Each development standard waiver identified above is required for all of the lots to be developed as proposed, as imposition of the identified standards would physically preclude construction.

Per Government Code section 65915(e)(1), the City shall grant the requested waivers unless it can make one or more of the following findings:

- The waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

The waivers will not have a specific, adverse impact upon health, safety, or the physical environment for which there is no feasible method to satisfactorily mitigation or avoid the impact. The Project merely proposes moderate reductions in net lot area, lot width, setbacks, and lot coverage, none of which present a risk to health, safety, or the physical environment.

- The waiver will have an adverse impact on any real property that is listed in the California Register of Historical Resources.

The Project site does not include any property listed in the California Register of Historical Resources. Therefore, the waivers will not have an adverse impact any real property listed in the California Register of Historical Resources.

- The waiver or reduction that would be contrary to state or federal law.

The waivers proposed by the Project are not contrary to state or federal law.

L. Requested Parking Reduction for a Housing Development

The Project provides parking consistent with or in excess of the maximum parking ratios that can be imposed on a density bonus project under state law. A total of 78 off-street parking spaces are required per Encinitas Municipal Code, and the Project proposes to provide a total of 87 off-street parking spaces. The Project is not proposing to utilize density bonus reduced parking ratios; therefore, the Project meets the parking requirements under the Encinitas Municipal Code.



Remove. This only needs to be referenced in the affordable housing plan. Instead, note that the project is not requesting an incentive or waiver as allowed under State DB law.

M. Child Care Facility for a Housing Development

Not applicable. No child care facilities are proposed as a part of the development.

N. Condominium Conversion

Not applicable. The proposed development does not include a condominium conversion.

O. Commercial Development Bonus

Not applicable. The proposed development is a residential development project.

P. SUMMARY OF CONCESSIONS/INCENTIVES AND WAIVERS

Q. Concessions or Incentives

Pursuant to Government Code section 65915(d)(2)(C), the Project will qualify for three incentives or concessions for reserving at least 15% percent of base units as affordable to very low income households. Pursuant to EMC Section 30.41.060(B)(1), ~~an on-site affordable development incentive is requested to utilize the state density bonus.~~ Applicant reserves the right to request additional incentives for the Project based on its provision of affordable housing at a later date.

R. Waivers

The waivers are itemized in the table in and notes on **Exhibit A**, which is reproduced below and on the following pages:

STATE DENSITY BONUS LAW CONCESSIONS / INCENTIVES

1. THE PROJECT IS ALLOWED THREE (3) INCENTIVES / CONCESSIONS FOR INCLUDING AT LEAST 15 PERCENT OF TOTAL UNITS FOR "VERY LOW" INCOME HOUSEHOLDS PURSUANT TO STATE DENSITY BONUS LAW (SDBL), CA GOVERNMENT CODE §5815. HOWEVER, APPLICANT IS NOT REQUESTING ANY INCENTIVES AT THIS TIME. REFER TO LETTER ENTITLED "PROJECT DESCRIPTION AND DISCUSSION PER DENSITY BONUS SUBDIVISION APPLICATION SUPPLEMENT FOR DB" FOR ADDITIONAL INFORMATION.
2. WAIVER OF "DEVELOPMENT STANDARDS" AS IDENTIFIED IN SECTION 30.16.010 (H) THE CITY OF ENCINITAS MUNICIPAL CODE INCLUDING MINIMUM NET LOT AREA, MINIMUM LOT WIDTH, MINIMUM LOT DEPTH, FRONT YARD SETBACK, STREET SIDE YARD SETBACK, SIDE YARD SETBACK, REAR YARD SETBACK, BUILDING HEIGHT, MAXIMUM LOT COVERAGE, WAIVER OF SECTION 6 1(C) OF CITY'S PUBLIC ROAD STANDARDS OF MINIMUM 200-FT OF SEPARATION BETWEEN INTERSECTIONS AND TO UTILIZE PRIVATE ROAD STANDARDS IN LIEU OF PUBLIC ROAD STANDARDS FOR PAVED WIDTH, RIGHT-OF-WAY WIDTH, NUMBER OF LOTS SERVED AND CUL-DE-SAC, WAIVER OF COUNTY STANDARD DRAWING DS-15 FOR MINIMUM INTERNAL STREET RADIUS REQUIREMENT, WAIVER OF SECTION 30.34.02(B) OF EMC FOR MINIMUM TOP OF BLUFF SETBACK, WAIVER OF SECTION 30.41.060(A)(5)(C) OF EMC FOR AFFORDABLE UNIT REAR YARD ADJACENCY STANDARDS, AND WAIVER OF SECTION 30.08.030 OF EMC FOR SPLIT ZONE REGULATIONS. SEE TABLE ON SHEET 2 FOR LOT SPECIFIC WAIVERS REQUESTED.

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ZONE REQUIREMENTS	RR-2	R-3	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7
NET LOT AREA (SF)	21,500	14,500	5,111	5,152	4,977	9,168	9,076	55,076	15,115
LOT WIDTH (FT)	100	80	50	50	51	50	50	193	50
LOT DEPTH (FT)	150	100	102	103	100	187	193	228	293
FRONT YARD SET BACK	30	25/20*	19	14	11	13	25	25	20
FRONT TO LIVEABLE	30	25/20*	19	14.5	11.5	13	26.3	43.3	20.2
STREET SIDE SET BACK	15	10	4	-	-	-	-	-	-
SIDE YARD SETBACK	10	10	5	5/5	5/5	5/5	5/5	5/5	5/5
SIDE YARD TO LIVEABLE	15/10	10/10	4/5	5/5	5/5	5/5	5/5	5/5	5/5
REAR YARD SETBACK	25	25	22	25	23	25	25	25	25
REAR TO LIVEABLE	25	25	22.3	28.1	23	82.5	75.7	70.9	220.8
TOP OF BLUFF SETBACK	25	25	N/A	N/A	N/A	25	25	25	25
SPLIT LOT ZONING									
**BUILDING FOOTPRINT	-	-	2,071	2,071	2,071	3,267	3,267	3,267	2,209
LOT COVERAGE	35%	35%	41%	40%	42%	36%	36%	6%	15%
PLAN TYPE	-	-	2	2	2	1	1	1	3
22-FT MAX AT BLDG PERIMETER	22	22	24'-9"	24'-2"	24'-3"	18'-2"	24'-4"	24'-6"	23'-11"
26' MAX AT ROOF RIDGE	26	26	29'-1"	27'-11"	27'-10"	23'-1"	27'-2"	27'-0"	27'-2"

 = REQUEST WAIVER OF DEVELOPMENT STANDARD
UNDER DENSITY BOUNUS

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ZONE REQUIREMENTS	RR-2	R-3	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13
NET LOT AREA (SF)	21,500	14,500	14,482	14,205	13,683	13,871	41,763	8,204
LOT WIDTH (FT)	100	80	50	50	51	50	177	50
LOT DEPTH (FT)	150	100	290	284	279	282	234	169
FRONT YARD SET BACK	30	25/20*	16	17	19	17	25	21
FRONT TO LIVEABLE	30	25/20*	16.5	17.5	19.4	17.3	37.8	21.1
STREET SIDE SET BACK	15	10	-	-	-	-	-	-
SIDE YARD SETBACK	10	10	5/5	5/5	5/5	5/5	5/5	5/5
SIDE YARD TO LIVEABLE	15/10	10/10	5/5	5/5	5/5	5/5	5/5	5/5
REAR YARD SETBACK	25	25	25	25	25	25	25	25
REAR TO LIVEABLE	25	25	214.6	206.9	198.3	193.7	89.8	77.9
TOP OF BLUFF SETBACK	25	25	25	25	25	25	25	25
SPLIT LOT ZONING								
**BUILDING FOOTPRINT	-	-	2,209	2,209	2,209	2,209	2,071	2,071
LOT COVERAGE	35%	35%	15%	16%	16%	16%	5%	25%
PLAN TYPE	-	-	3	3	3	3	2	2
22-FT MAX AT BLDG PERIMETER	22	22	21'-3"	22'-2"	22'-3"	21'-0"	20'-5"	20'-5"
26' MAX AT ROOF RIDGE	26	26	26'-1"	26'-9"	26'-8"	26'-0"	25'-6"	25'-6"

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ZONE REQUIREMENTS	RR-2	R-3	LOT 14	LOT 15	LOT 16	LOT 17	LOT 18	LOT 19
NET LOT AREA (SF)	21,500	14,500	7,292	6,181	4,853	5,587	5,705	5,846
LOT WIDTH (FT)	100	80	51	51	50	64	50	51
LOT DEPTH (FT)	150	100	145	122	99	82	124	116
FRONT YARD SET BACK	30	25/20*	17	11	7	16	18	15
FRONT TO LIVEABLE	30	25/20*	17	11.6	7.7	16.5	18.7	15
STREET SIDE SET BACK	15	10	-	-	-	5	4	-
SIDE YARD SETBACK	10	10	5/5	5/5	5/5	5	5	5/5
SIDE YARD TO LIVEABLE	15/10	10/10	5/5	5/5	5/5	5	5	5/5
REAR YARD SETBACK	25	25	25	25	22	7	25	25
REAR TO LIVEABLE	25	25	57.4	40.7	21.5	7.5	37.4	28.1
TOP OF BLUFF SETBACK	25	25	25	17.8	18.4	9.9	N/A	N/A
SPLIT LOT ZONING								
**BUILDING FOOTPRINT	-	-	2,071	2,071	2,071	2,209	2,209	2,209
LOT COVERAGE	35%	35%	28%	34%	43%	40%	39%	38%
PLAN TYPE	-	-	2	2	2	3	3	3
22-FT MAX AT BLDG PERIMETER	22	22	20'-5"	20'-5"	20'-11"	22'-1"	22'-3"	21'-4"
26' MAX AT ROOF RIDGE	26	26	25'-6"	25'-6"	26'-0"	27'-7"	26'-9"	26'-3"

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ZONE REQUIREMENTS	RR-2	R-3	LOT 20	LOT 21	LOT 22	LOT 23	LOT 24
NET LOT AREA (SF)	21,500	14,500	3,614	5,118	4,355	6,212	5,135
LOT WIDTH (FT)	100	80	35	51	57	60	51
LOT DEPTH (FT)	150	100	104	98	61	95	109
FRONT YARD SET BACK	30	25/20*	19	14	15	20	18
FRONT TO LIVEABLE	30	25/20*	19.5	14	15.4	22.9	18.3
STREET SIDE SET BACK	15	10	-	-	15	8	-
SIDE YARD SETBACK	10	10	5/5	5/5	5	5	5/5
SIDE YARD TO LIVEABLE	15/10	10/10	5/5	5/5	23.5/5	8.5/5	5/5
REAR YARD SETBACK	25	25	25	25	10	25	21
REAR TO LIVEABLE	25	25	29.4	25	10	31	21
TOP OF BLUFF SETBACK	25	25	N/A	N/A	N/A	N/A	N/A
SPLIT LOT ZONING							
**BUILDING FOOTPRINT	-	-	1166	2,071	1166	2,209	2,071
LOT COVERAGE	35%	35%	32%	40%	27%	36%	40%
PLAN TYPE	-	-	4	2	4	3	2
22-FT MAX AT BLDG PERIMETER	22	22	21'-2"	21'-6"	21'-8"	20'-9"	20'-5"
26' MAX AT ROOF RIDGE	26	26	24'-3"	26'-4"	24'-9"	25'-5"	25'-6"

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ZONE REQUIREMENTS	RR-2	R-3	LOT 25	LOT 26	LOT 27
NET LOT AREA (SF)	21,500	14,500	3,562	5,158	5,776
LOT WIDTH (FT)	100	80	35	51	50
LOT DEPTH (FT)	150	100	103	104	117
FRONT YARD SET BACK	30	25/20*	19	17	15
FRONT TO LIVEABLE	30	25/20*	19.5	17.7	15.5
STREET SIDE SET BACK	15	10	-	-	4
SIDE YARD SETBACK	10	10	5/5	5/5	5
SIDE YARD TO LIVEABLE	15/10	10/10	5/5	5/5	5
REAR YARD SETBACK	25	25	25	25	25
REAR TO LIVEABLE	25	25	29.7	27.1	39.1
TOP OF BLUFF SETBACK	25	25	N/A	N/A	N/A
SPLIT LOT ZONING					
**BUILDING FOOTPRINT	-	-	1166	2,209	2,209
LOT COVERAGE	35%	35%	33%	43%	38%
PLAN TYPE	-	-	4	3	3
22-FT MAX AT BLDG PERIMETER	22	22	20'-5"	20'-5"	21'-5"
26' MAX AT ROOF RIDGE	26	26	23'-6"	25'-5"	25'-9"

 = REQUEST WAIVER OF DEVELOPMENT STANDARD
UNDER DENSITY BONUS

As shown above, the Project requests waivers of net lot area, lot width, lot depth, front yard setback, street side setback, side yard setback, rear yard setback, building height, maximum lot coverage, maximum lot coverage, intersection spacing requirements provided by Section 6.1(c) of the City's public road standards requiring 200' of separation between intersections, internal street radius requirement provided via County Standard Drawing DS-15, affordable unit rear yard adjacency standards per EMC Section 30.41.060(A)(5)(c), and split zone regulations pursuant to EMC Section 30.08.030 governing the determination of zone boundaries where boundaries are uncertain..

- Net Lot Area (EMC § 30.16.010.A.1.c and 30.16.010.A.2.c): Applicant requests a waiver of net lot area for all lots. As shown above, the Density Bonus Law authorizes a density of 27 dwelling units on the Project site, as well as subdivision to locate all units on individual lots. The Project would not be able to achieve its authorized density, particularly within the site's topographical constraints, if forced to abide by the net lot area requirements of 21,500 SF in the RR-2 zone and 14,500 SF in the R-3 zone. The Project proposes smaller lot sizes varying from 14,863 SF for Lot 6 to 3,562 SF for Lot 25. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 net lot area restrictions would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Lot Width (EMC § 30.16.010.A.1.d and 30.16.010.A.2.d): Applicant requests lot widths below the 100 feet required by the RR-2 zone and 80 feet required by the R-3 zone. The Project proposes a lot width waiver to decrease the allowable lot width for Lots 1-5, 7-11, and 13-27 as shown in the Proposed Lot Layout Plan. The Project proposes lot widths varying from 60 feet for Lot 23 to 35 feet for Lots 20 and 25. The Project would not be able to achieve its authorized density if forced to abide by the 100-foot lot width required by the RR-2 zone and 80-foot lot width required by the R-3 zone, as the Project would be required to have wider, and thus fewer, lots. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 lot width restrictions would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Lot Depth (EMC § 30.16.010.A.1.g and 30.16.010.A.2.g): Applicant requests a lot depth waiver to decrease the allowable lot depth for Lots 1-3, 6-11, and 13-27 as shown in the Proposed Lot Layout Plan. The Project proposes a lot depth less than the 150 feet required by the RR-2 zone and 100 feet required by the R-3 zone. The Project's proposed lot depth varies from 125 feet for Lot 6 to 69 feet for Lot 22. The Project would not be able to achieve its authorized density if forced to abide by the

150-foot lot depth required by the RR-2 zone and 100-foot lot depth required by the R-3 zone, as the Project would be required to have deeper, and thus fewer, lots. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 lot depth restrictions would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.

- Front Yard Setback (EMC § 30.16.010.A.1.h and 30.16.010.A.2.h): Applicant requests a front yard setback less than the 30 feet required by the RR-2 zone or the 25 feet required by the R-3 zone for Lots 15, 7-11, and 13-27. The Project's proposed front yard setbacks vary from 22 feet for Lot 5 to 10 feet for Lot 15. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 front yard setbacks would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Street Side Setback (EMC § 30.16.010.A.1.j and 30.16.010.A.2.j): Applicant requests a street side setback less than the 15 feet required by the RR-2 zone or the 10 feet required by the R-3 zone for Lots 1, 17, 18 and 27. The Project proposes a street side setback of 4 feet for Lot 1, 5 feet for Lot 17, 4 feet for Lot 18, and 4 feet for Lot 27. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 street side setbacks would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Side Yard Setback (EMC § 30.16.010.A.1.i and 30.16.010.A.2.i): Applicant requests a side yard setback less than the 10 feet required by both the RR-2 and R-3 zones. The Project proposes a five-foot side yard setback for all lots. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 side yard setbacks would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Rear Yard Setback (EMC § 30.16.010.A.1.k and 30.16.010.A.2.k): Applicant requests rear yard setbacks less than the 25 feet required by both the RR-2 and R-3 zones for Lots 1, 3, 21, 22, and 24. The Project proposes rear yard setbacks ranging from 23 feet for Lot 3 to 4 feet for Lot 22. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 rear yard setbacks would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.

- Lot Coverage (EMC § 30.16.010.A.1.1 and 30.16.010.A.2.1): Applicant requests lot coverage percentages higher than the 35% specified by both the RR-2 and R-3 zone for Lots 1-5, 7-11, 13-16, 18-19, 21, 23, 24, 26, and 27. The Project's proposed lot coverage percentages vary from 44% for Lot 18 to 36% for Lot 9. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 lot coverage restrictions would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Building Height (EMC § 30.16.010.B.6): Applicant requests building height higher than 26 feet as required by RR-2 and 22 feet as required by R-3 for Lots 1-3, 6-11, 15, 17-19, 21, 26, and 27. The Project requests a maximum height of 30'. Without these waivers, the Project could not be constructed as designed. Implementation of RR-2 and R-3 building height restrictions would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Intersection Spacing (City of Encinitas's Public Road Standards Section 6.1.C): Applicant requests a deviation from the requirement that all Non-Circulation Element roads entering upon any given road shall have their centerlines directly opposite each other or separated by at least 200 feet. Without this waiver, the Project could not be constructed as designed. Implementation of 200 foot centerline would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Street Knuckle (San Diego County Department of Public Works Design Standards Standard Drawing DS-15): Applicant requests a deviation from the San Diego County Design Standard for a Street Knuckle. Without this waiver, the Project could not be constructed as designed. Implementation of the Street Knuckle's minimum dimensions would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Affordable Housing Standards (EMC § 30.41.060.A.5.c.): Applicant requests that two of the affordable units share a rear lot line. The units are accessed via opposite sides of the main loop road and share side yards with market rate units. The units are not clustered side-by-side in any area of the project, and accordingly, the placement meets the intent of this requirement. Without this waiver, the Project could not be constructed as designed. Implementation of the adjacency requirements would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.



See comment in AHP and remove discussion. Cannot waive this as it is not a development standard.

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- Bluff Setback (EMC § 30.34.020(B)): Applicant requests Lots 15, 16 and 17 encroach into the top of bluff minimum setback. The proposed encroachment into the bluff setback is acceptable from a geotechnical perspective. Without this waiver, the Project could not be constructed as designed. Implementation of the adjacency requirements would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.
- Split Zoning (EMC § 30.08.030): 501 Ocean Bluff also requests waiver of the split zoning regulations governing the determination of zone boundaries where boundaries are uncertain. Without this waiver, the Project would not be able to develop without regard for the RR-2 and R-3 zone boundary. Implementation of split zoning would physically preclude the construction of the Project at the proposed densities without the concessions or incentives permitted by Government Code Sections 65915.

CONCLUSION

We hope that the foregoing information will assist the City as it processes the Project application and works with the Applicant team to move toward the shared goal of bringing additional housing to the City. Please let us know if you have questions or concerns about any of these materials, as we would be happy to discuss at your convenience.

Sincerely,



Timothy M. Hutter

TMH
Enclosure

Prior comment: Table is helpful but we also need all the waivers shown on a site plan and elevations, demonstrating restrictions of the zoning code. This is a requirement of 30.16.020.C.4.b.ii.

